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Attorneys for Plaintiff  
 MARIA JOYA

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIA JOYA, individually, and as  
 Administrator of the Estate of NASIR SOLIS,

Plaintiff,

vs.

CITY OF HAYWARD, a municipal corporation;  
 LLOYD LOWE, in his capacity as Chief of  
 Police for the CITY OF HAYWARD; JASON  
 CORSOLINI, individually and in his capacity as  
 an officer for the CITY OF HAYWARD; and  
 DOES 1-25, inclusive,

Defendants.

Case No. C 07-04739 SI

**NOTICE OF RELATED CASES**  
**(Civil L.R. 3-12)**

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**(Civil L.R. 3-12)**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Civil Local Rules 3-12, plaintiff submits the  
 following Notice of Related Cases, on the following grounds:

- a) The above-captioned action concerns substantially the same questions of fact and law  
 as Saleh Ali v. City of Hayward, et al. United States District Court, Northern District  
 of California, Case No. C 07-04718 CRB.

- b) It is likely that there will be an unduly burdensome duplication of labor and expense and conflicting results if these cases - *Maria Joya v. City of Hayward, et al.* and *Saleh Ali v. City of Hayward* are conducted before different judges.

No hearing date is scheduled, pursuant to Civ. L. R. 7-11.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

Civil Local Rule 3-12 sets forth the following format and factors to be considered for an administrative motion to consider whether cases should be related:

**1. TITLE AND CASE NUMBER OF EACH APPARENTLY RELATED CASE:**

- a. Maria Joya, individually, and as Administrator of the Estate of Nasir Solis v. City of Hayward, et al. case no. C 07 04739 SI
- b. Saleh Ali, individually and as the administrator of the estate of Naser Ali Solis no. C 07-04718 CRB

**2. RELATIONSHIP OF THE ACTIONS ACCORDING TO CRITERIA SET FORTH IN CIVIL L.R. 3-12:**

- a. Both Actions Concern Substantially the Same Parties, Policies, and Events.

Each of these actions arises from the wrongful death of Nasir Solis on the afternoon of August 30, 2006. Each of these actions has as its named defendants the City of Hayward a municipal corporation, Lloyd Lowe, in his capacity as Chief of Police for the City of Hayward, and Jason Corsolini, individually and his capacity as a police officer for the City of Hayward.


Plaintiffs in both cases are seeking remedial relief as follows: DAMAGES: Wrongful death damages pursuant to C.C.P. Sections 377.60 and 377.61 and Probate Code Section 6402(b); C.C.P. Sections 377.30, 377.32, and 377.34; FIRST CAUSE OF ACTION: 42 U.S.C. Section 1983 (Against Defendants CORSOLINI and DOES 1-10); SECOND CAUSE OF ACTION: 42 U.S.C. section 1983 (Against Defendants CITY, LOWE and DOES 11-25); THIRD CAUSE OF ACTION: 42 U.S.C. Section 1983 Right to Familial Relationship (Against Defendant CORSOLINI and DOES 1-10)

1 FOURTH CAUSE OF ACTION: SURVIVAL ACTION: VIOLATION OF DECEDENT'S CIVIL  
 2 RIGHTS – 42 U.S.C. § 1983 (Against all defendants); FIFTH CAUSE OF ACTION: Wrongful  
 3 Death-Intentional C.C.P. Sections 377.60 and 377.61 (Against Defendant CORSOLINI and DOES 1-  
 4 10); SIXTH CAUSE OF ACTION: Wrongful Death-Negligence C.C.P. Section 377.60 and 377.61  
 5 (Against Defendant CORSOLINI and DOES 1-10); SEVENTH CAUSE OF ACTION: Violation of  
 6 Civil Code Section 51.7 (Against Defendant Officers CORSOLINI and DOES 1-10); EIGHTH  
 7 CAUSE OF ACTION: Violation of Civil Code Section 52.1 (Against Defendant CORSOLINI and  
 8 DOES 1-10); NINTH CAUSE OF ACTION: Assault and Battery (Against Defendants CORSOLINI  
 9 and DOES 1-10); TENTH CAUSE OF ACTION: Intentional Infliction of Emotional Distress  
 10 (Against all defendant police officers herein); ELEVENTH CAUSE OF ACTION: Negligence  
 11 (Against Defendant CORSOLINI and DOES 1-10). Thus, unless the instant case is related to the  
 12 *Saleh Ali* action, there is a substantial likelihood that there would not only be a significant duplication  
 13 of effort, waste of judicial resources and unnecessary expense, but there would also be the possibility  
 14 of inconsistent results.

15 Therefore, plaintiff respectfully submits that the instant case should be related to the *Saleh Ali*  
 16 action.

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 18 DATED: December 6, 2007

LAW OFFICES OF JOHN L. BURRIS

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 21 BENJAMIN NISENBAUM, Esq.  
 22 Attorneys for Plaintiff MARIA JOYA, individually,  
 23 and as Administrator of the Estate of NASIR SOLIS  
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